

RUMSON ZONING BOARD  
NOVEMBER 17, 2020  
MINUTES

The virtual meeting was called to order at 7:30 pm with a salute to the flag, followed by a roll call of: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill, Mr. Izzo  
Absent: None

Also present: Bernard Reilly, Esq., Fred Andre', Zoning Officer, Eric Paone Hurd, Moderator

The notice requirements of the Open Public Meetings Act were stated as being met.

Fred Andre', the Borough Zoning Officer was sworn in.

**APPLICATIONS:**

Mrs. McGill recused herself from hearing the application.  
Mr. Hofferber, Mrs. Carras and Mr. Izzo stated that they listened to the last hearing in this matter and are eligible to vote.

Chairman Brodsky announced that the continued application of **Craig Cummings** for property located at **1 Brookside Drive** be presented for the Board's consideration. Craig Cummings, the property owner, was previously sworn and remains under Oath. Mr. Cummings stated that the caboose/cabana is intended only for private use. Grading, drainage and utility plans will be submitted for review and approval.

Mr. Cummings introduced Christine Nazzaro Cofone, a New Jersey licensed planner. Ms. Cofone was sworn in and the Board accepted her credentials. Ms. Cofone described the subject property. Ms. Cofone stated that the subject property is oversized for the R-1 Zone and consists of 1.8 acres. Ms. Cofone testified that the caboose/cabana is to be in the rear of the property and will not be visible from adjoining properties. The subject property is particularly suitable for the proposed unique pool house/caboose/cabana.

Ms. Cofone testified that two purposes of the MLUL criteria are applicable for the granting of the variance being requested. This application promotes a desirable visual environment and creative development design techniques, which is Criteria I under the MLUL. Criteria G sufficient space in appropriate locations for a variety of uses applies to this proposal as well.

Ms. Cofone stated that the applicant has no plans for public use of this structure other his personal use. There will be no substantial detriment to the public good. The ordinance simply didn't contemplate a situation where someone might be utilizing a caboose for their pool house/cabana. The application will not have a substantial detriment to the zone plan.

Chairman Brodsky opened the testimony for public comments and/or questions. There being none, the public questions/comments portion was closed.

Mr. Reilly reiterated that the application would require affirmative votes to be approved.

After discussion, Chairman Brodsky asked the pleasure of the Board. Mrs. Kirkpatrick made a motion to approve the application with the following conditions that the structure is not for public use; and grading, drainage and utility plans will be submitted for review and approval; Seconded by Mr. Torcivia.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mr. Izzo

Nays: None

Recused: Mrs. McGill

Chairman Brodsky announced that the application of **Scott Elsas** for property located at **26 Tuxedo Road** be presented for the Board's consideration. Mr. Elsas was sworn in. Mr. Elsas introduced Michael Unger, a New Jersey licensed architect. Mr. Unger was sworn in and the Board accepted his credentials.

Mr. Unger testified that the application is to raze the existing residence and construct a new single-family residence and in-ground pool. The property is currently nonconforming in interior lot shape circle and new construction will create nonconformity in the front yard setback of 62.67 feet is being proposed and 100 feet are required. The new residence will be elevated to comply with the required Base Flood Elevation. The applicant has applied for DEP approval of the plans.

Mr. Unger explained the existing conditions at the premises. The property contains wetlands and a wetlands buffer area limiting the amount of usable lot area. Mr. Unger described the neighboring properties, rationale for the front setback of residence.

Chairman Brodsky opened the application for public questions and/or comments. John Lagratta residing at 178 Bingham Avenue was sworn in. Mr. Lagratta asked whether a landscape buffer on the west side of the subject property was contemplated. The applicant is willing to accommodate that subject to a viable and mutually agreeable landscape plan. Anthony Dagostino residing at 180 Bingham Avenue was sworn in. Mr. Dagostino asked whether the retaining wall at the driveway would adversely affect the water runoff from the property. Mr. Unger stated that it would not and explained the reasons. Mr. Dagostino asked whether any tree would be removed for the driveway. Mr. Unger stated that one or two trees would have to be removed under this proposal.

There being no further public questions and/or comments, the public portion was closed.

After discussion, Chairman Brodsky asked the pleasure of the Board. Mr. Shisias made a motion to approve the application as presented; Seconded by Mr. Izzo.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mr. Hofferber, Mrs. Carras, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill, Mr. Izzo

Nays: None

Chairman Brodsky announced the application of **007RE, LLC**, for property located at **85 Blackpoint Road** be presented for the Board's consideration. Rick Brodsky, Esquire from the Ansell, Grimm and Aaron law firm representing the applicant addressed the Board. Mr. Brodsky introduced Anthony Condouris, a New Jersey licensed architect. Mr. Condouris was sworn in and the Board accepted his credentials.

Mr. Condouris testified that the application is to raze the existing structure and construct a new single-family residence with a detached garage at the premises. The property is currently nonconforming in minimum lot area, minimum lot width and frontage and corner lot shape. New construction will create nonconformities in primary porch front setback, where 28.5 is proposed and 30 feet is required and 28.5 feet is being proposed; secondary building front setback, where 16.48 is proposed and 35 feet is required; minimum side setback is proposed at six feet and eight feet is required; rear setback is proposed at 29.5 feet and 35 feet is required; and maximum building coverage is proposed at 1,515 square feet and 1,444 square feet is permitted.

The subject property is an undersized, 60-foot wide narrow corner lot. Mr. Condouris described the existing conditions at the subject property and the surrounding properties. Mr. Condouris explained the architectural details of the new 2,300 square-foot, four-bedroom residence, the interior layout and the rationale for the relief being sought.

Chairman Brodsky opened the testimony for public questions and/or comments. Charles Peter Hopkins, II, residing at 29 Center Street, was sworn in. Mr. Hopkins spoke in favor of the application and stated that the existing substantial arborvitae row is on his property and there is no intention of removing that buffering. Mr. Hopkins asked that a six-foot privacy fence be allowed in the rear yard of the applicant's property. Mr. Brodsky stated that the applicant was amenable to the privacy fence being installed at the property.

Liz McCurrach, residing at 87 Blackpoint Road, was sworn in. Ms. McCurrach expressed concern with the six-foot setback between her property and the subject property and existing trees on the property. Mr. Brodsky stated that the applicant is willing to install viable, mutually acceptable landscape buffering between the two properties and subject to the Board and the Board's professionals review and approval of the landscaping plan.

There being no further public questions and/or comments, the public portion was closed.

Mr. Brodsky requested the application be carried to the next available meeting to allow the applicant to supplement the proposal with additional landscaping, possible tree removal, fencing location and enhancement to the Center Street façade.

Mr. Reilly announced that the application will be carried to the December 15, 2020 meeting without further notice required.

Chairman Brodsky announced that the application of Michael and Megan Farina for property located at 25 Second Street be presented for the Board's consideration. Michael Farina, the property owner, was sworn in. Mr. Farina stated that the application is to regrade portions of the side and rear yard, to construct a retaining wall on the property line, reconstruct the neighbor's fence along their common property line and proposes a six-foot, solid privacy fence on the Church Street property line from the rear of the residence to the rear property line at the existing premises.

Mr. Farina introduced Andrew Stockton, a New Jersey licensed engineer. Mr. Stockton was sworn in and the Board accepted his credentials. Mr. Stockton testified that variances were granted to construct the single-family residence in August of 2018. The installation of the retaining wall and fence will create nonconformities in the retaining wall setback on the property, maximum fence/wall height, and the proposed retaining wall with the six-foot fence on top will exceed the permitted fence/wall height. The exact height will vary depending on the bottom of the wall's grade elevation.

Efforts will be made to help preserve the integrity of the existing large tree on the property by installing tree wells.

Board Members expressed their concern with the aesthetic street scape appeal and safety issues with solid, six-foot high fencing on the Church Street side of the property. Mr. Farina stated he will investigate the possibility of the use of vegetation to provide privacy.

Chairman Brodsky opened the application for public questions and/or comments. Joan Mcallister residing at 18 Church Street was sworn in. Mrs. Mcallister expressed concern vehicular sight triangle issues. Kate Vossen residing at 27 Church Street was sworn in. Ms. Vossen also expressed concern with the six-foot privacy fencing proposed. Nancy and Dan Petrucelli residing at 22 Second Street were sworn in. Mr. and Mrs. Petrucelli expressed concerns regarding the water runoff from the subject property and the impact the installation of the retaining wall and fencing may have on an existing tree on their property. Mr. Stockton stated that the proposal will not add any new impervious coverage, there will not be any increase of water that drains in the direction of her property. By regrading the rear yard area some of the rear yard drainage will be directed out towards Church Street and reducing the runoff into the northwest corner of the property. Mr. Stockton described the construction and varying height of the retaining wall to reduce runoff issues.

A brief recess takes place.

Mr. Stockton advised that precautions will be taken during construction to not harm the tree's root system.

Mr. Farina requested the application be carried to the next available meeting to revisit the proposal.

Mr. Reilly announced that the application will be carried to the December 15, 2020 meeting at 7:30 and no further notice is required.

## **RESOLUTIONS**

Mr. Reilly submitted a Resolutions approving the applications of William and Tracy Marucci for property located at 55 Bingham Avenue, Block 36, Lot 26; Brian and Lynne Barton for property located at 5 Mapewood Avenue, Block 50, Lot 11 for the Board's review. Mr. Torcivia made a Motion to approve the Resolutions as submitted; Seconded by Mrs. Kirkpatrick.

Roll call vote:

Ayes: Chairman Brodsky, Mr. Torcivia, Mr. Blum, Mrs. Kirkpatrick, Mr. Shissias, Mrs. McGill

Abstain: Mr. Hofferber, Mrs. Carras, Mr. Izzo

Chairman Brodsky asked for comments on the October 20, 2020 Zoning Board Minutes. Mr. Blum made a Motion to approve the Minutes with a correction; Seconded by Mr. Izzo. By voice vote the October 20, 2020 Zoning Board Minutes were approved with Mr. Hofferber, Mrs. Carras and Mr. Izzo abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at approximately 10:34 p.m.

The next scheduled virtual meeting will be December 15, 2020 at 7:30 p.m.

Respectfully submitted,  
Michele MacPherson